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UNCLAS SECTION 01 OF 03 ALGIERS 000349

SIPDIS

DEPT OF LABOR FOR TMCCARTER
STATE FOR DRL/ILCSR TDANG

E.O. 12958: N/A

TAGS: [ELAB](#) [EIND](#) [ETRD](#) [PHUM](#) [SOCI](#) [AG](#)

SUBJECT: 2009 COUNTRY REPORT ON WORST FORMS OF CHILD LABOR

REF: A. ALGIERS 177

[B.](#) STATE 127448

[¶1.](#) SUMMARY: The absence of reliable statistics makes it difficult to assess the extent of child labor in Algeria, especially the worst forms of child labor. The Algerian government did not update existing legislation concerning child labor during the past year. In January 2009, however, the Algerian parliament adopted amendments to the penal code that criminalize trafficking in persons (ref A). In 2007, the Ministry of Justice completed a draft law on child protection that included the creation of a national coordinator for the protection of children. The government had yet to adopt the draft law at the time of this report. The information provided in this cable is drawn from the Algerian labor code, penal code, constitution and press reports. END SUMMARY.

[¶2.](#) Per ref B, the following response provides information concerning the worst forms of child labor in Algeria:

A) LAWS AND REGULATIONS PROSCRIBING THE WORST FORMS OF CHILD LABOR

Under Article 15 of Algerian labor law 90-11 (April 1990), the minimum age for employment is 16, except for apprentice positions. In order to be an apprentice, minors must have the permission of a legal guardian. Under no circumstances, according to the law, may minors participate in dangerous, unhealthy or harmful work, or in work that is considered inappropriate because of social and religious considerations.

Article 28 of the Algerian labor law prohibits night work for youths under the age of 19. Under Article 192 of Ordinance No. 75-31 (April 1975), in cases of fixed-term temporary employment, under-aged workers are required to request permission to work from the Ministry of Labor and Social Welfare.

The worst forms of child labor are subject to prosecution under various legal statutes. The penal code prohibits compulsory child labor, including forced or bonded labor. Ordinance 75-47 (June 1975) and Law No. 82-04 (February 1982) prohibit corruption and debauchery of individuals under the age of 19, while Articles 343 and 344 of the penal code prohibit the use or recruitment of minors in prostitution. In January 2009, the Algerian parliament amended the penal code by adding section 5 bis entitled, "Trafficking in Persons" (ref A). Section 5 bis criminalizes trafficking in persons and treats the trafficking of children as an

aggravated offense.

Law No. 89-19 (December 12, 1989) establishes 18 as the minimum age at which males must register for military service. Law No. 74-103 (November 15, 1974) establishes 19 as the earliest age that males can be called up for military service.

According to the ILO website, Algeria ratified Convention 182 (Worst Forms of Child Labor Convention) on February 9, 2001. Algeria's law does not define the worst forms of child labor and hazardous work. Article 11 of 1987 Law No. 87-07 stipulates that the employer should make sure that the work given to minors does not require efforts that exceed their capabilities. On December 9, 2007, the Ministry of Justice announced that work on a draft law had been finalized on the protection of children. The draft law includes the creation of a National Delegate for the Protection of Children. The government had yet to adopt the draft legislation at the time of this report.

B) REGULATIONS FOR IMPLEMENTATION AND ENFORCEMENT OF PROSCRIPTIONS AGAINST THE WORST FORMS OF CHILD LABOR

Article 140 of the labor code's penal disposition provides for civil fines between USD 14 and USD 28 against the recruitment and hiring of a young person who is not of working age. In cases of a repeat offense, a sentence of 15 days' to 2 months' imprisonment and a fine of USD 28 to USD 55 can be assessed. Article 344 of the penal code, which prohibits the use or recruitment of minors in prostitution,

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provides for prison terms of 5 to 10 years and fines ranging from USD 140 to USD 1,400. Articles 303 bis 4 - 15 under section 5 bis of the penal code on trafficking in persons stipulate prison terms ranging from 3 to 20 years and fines up to USD 30,000 (ref A).

Post has no information from the Algerian government on the extent to which complaints are investigated and violations are addressed.

The Ministry of Labor is responsible for investigating child labor cases throughout the country as part of its responsibilities to enforce minimum age laws. Algeria has labor inspectors, but post was unable to verify the number. However, we can confirm that there is no single inspector who is specifically charged with enforcing child labor laws. Most labor inspectors are concentrated in the larger cities, while most child labor is found in rural areas.

C) WHETHER THERE ARE SOCIAL PROGRAMS SPECIFICALLY DESIGNED TO PREVENT AND WITHDRAW CHILDREN FROM THE WORST FORMS OF CHILD LABOR

The Ministry of National Education and the Ministry of Vocational Training worked together to open training centers to absorb students who were no longer eligible to remain in the education system. At the beginning of the school year, the Ministry of National Solidarity continued its practice of providing 3,000 dinars (approximately USD 46) or packages of school supplies to needy families. The government continues to work with UNICEF on programs to promote access to universal education, child protection and economic growth. As part of this effort, the government has implemented a national plan for economic development that aims at improving the situation of women and children, especially in rural provinces. Since 2004 and in collaboration with the Ministry of National Education, the Ministry of Labor has worked to inform children and parents about labor legislation, including organizing presentations at schools.

UNICEF representatives are compiling a study on Algerian youth, which they expect to publish by the end of 2009. In 2007, Algerian NGO CIDDEF provided computer literacy courses

and daycare for needy children. Algerian NGO Iqra carried out programs in rural areas to sensitize parents to the importance of educating their daughters. Algerian NGO el-Irshad wa el-Islah bought school supplies for children and provided free math and language tutoring.

D) DOES THE COUNTRY HAVE A COMPREHENSIVE POLICY AIMED AT THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR?

In 2009, the Algerian government's Agency for Family and Women's Affairs adopted a child protection strategy for the period 2009 - 2012 in cooperation with a local NGO, FOREM. The same agency has adopted a national action plan (PNA) for condition of children in cooperation with UNICEF covering the period of 2008 - 2015. The PNA addresses education, child development and health issues facing Algerian children. Post was unable to obtain a copy of the child protection strategy at the time of this report.

Under a 1976 law and under Article 53 of the constitution, education in Algeria is free and attendance at school is compulsory between the ages of 6 and 16.

E) IS THE COUNTRY MAKING CONTINUAL PROGRESS TOWARD ELIMINATING THE WORST FORMS OF CHILD LABOR?

Post was unable to obtain current official government statistics on child labor. In 2005, the MOL reported a rate of child participation in the labor force of 0.56 percent. According to a 2006 survey conducted by UNICEF, there were 498 child labor cases involving children under the age of 18; 156 of those cases involved victims under the age of 16. In a meeting in March 2009, FOREM, a local NGO which receives support from the European Union, reiterated their statistics from 2007. FOREM asserted that in the eight most populous provinces, 6 percent of children age 10 and younger participated in the labor force, while 63 percent of children

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age 13 to 16 were employed. The survey found children working a variety of hours in small workshops, on family farms, and especially in informal trades and street vending. In a November 2007 press conference, FOREM said there were more than one million child workers in Algeria; 500,000 below age 16, and 300,000 who have never attended school. FOREM asserted that there were between 20,000 and 30,000 street children in Algeria.

Post is unaware of children working under slave-like conditions. There is no evidence that children have been victims of trafficking (ref A).

PEARCE